

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Tenth Annual Report to Congress on State)	PS Docket No. 09-14
Collection and Distribution of 911 and Enhanced)	
911 Fees and Charges)	
)	
FCC Seeks Public Comment on Tenth Annual)	
Report to Congress on State Collection and)	
Distribution of 911 and Enhanced 911 Fees and)	
Charges)	

To: The Commission

**COMMENTS OF
THE BOULDER REGIONAL EMERGENCY TELEPHONE SERVICE AUTHORITY**

The Boulder Regional Emergency Telephone Service Authority (“BRETSA”),¹ by its attorney, hereby submits its Reply Comments on the Commission’s December 19th, 2018 Public Notice seeking comment on its Ninth Annual Report to Congress on State Collection and Distribution of 9-1-1 and Enhanced 9-1-1 Fees and Charges.²

I. BRETSA Incorporates By Reference and Supplements Its Previous Comments.

BRETSA hereby incorporates by reference its March 26, 2018 Comments³ filed in response to the Commission’s Ninth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges.⁴ BRETSA continues to urge the

¹ BRETSA is a Colorado 9-1-1 Authority which establishes, collects and distributes the Colorado Emergency Telephone Surcharge to fund 9-1-1 service in Boulder County, Colorado.

² Public Notice, *FCC Seeks Public Comment on Tenth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges*, PS Docket No. 09-14, DA 18-1271 (rel. Dec. 19, 2018) (“*Notice*”); FCC, Tenth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (Dec. 17, 2018) (“*Tenth Report*”).

³ Comments of the Boulder Regional Emergency Telephone Service Authority (March 26, 2018), *available at* https://ecfsapi.fcc.gov/file/1032750315864/BRETSA_180326_Reply_Comments_PS_09-14.pdf (last visited January 28, 2019).

⁴ FCC, Ninth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges (Dec. 29, 2017) (“*Ninth Report*”).

Commission to adopt regulations and/or develop information which will (i) make auditing of 9-1-1 fee remittances feasible for local and state authorities, (ii) identify whether there is under-remittance of 9-1-1 fees on prepaid service, and (iii) address application of 9-1-1 fee requirements to evolving technologies and markets.

BRETSA supplements its Comments on the Ninth Report by reporting that recent developments call into question the accuracy of service provider remittances of 9-1-1 fees. A Colorado 9-1-1 Authority audited Colorado Emergency Telephone Charge (“ETC”) remittances it received, reports that it identified approximately \$300,000 in under-remitted ETCs.

In addition, BRETSA has noted that the monthly ETC remittances for the past two years from one provider show an unusual pattern, which draws the accuracy of the remittances into question.⁵ From January through July, 2017, the variance in the amounts remitted totaled only 1.4% of the average remittance for that period.⁶ In August 2017, the amount remitted was 203% of the average remittance during the period January through July, before dropping back to an average remittance in September 2017 through February 2018 which was only 3.1% higher than the average remittance in January through July, 2017. In March 2018, the ETC remitted spiked to 348% of the average remittance for September 2017 through February 2018. The remittances for April through December 2018 have averaged just 1.1% of the March 2018 remittance (4.2% of the average remittance in January through July 2017). In other words, the ETC remittances from the provider (i) were quite stable for seven months, (ii) then spiked in one month to double the average remittances over the previous 7 months, (iii) returned to an amount slightly higher than

⁵ This unusual pattern of remittances was readily apparent. BRETSA has not audited remittances out of concern that the costs might exceed any under-remitted amounts which might be recovered.

⁶ Service providers consider the number of customers they have in a jurisdiction to be highly confidential, competitively sensitive information. The number of customers a service provider has in a jurisdiction can be extrapolated by dividing the total ETC remittances for the jurisdiction by the net ETC in effect per customer line. To protect the confidentiality of this information, BRETSA will describe the pattern of remittances by percentages, even though this will also mask some of the unusual characteristics of the pattern of remittances.

the amount of the remittances prior to the one-month spike, and were again quite stable for 6 months before (iv) spiking again in one month to an amount 3 ½ times the remittances over the previous 6 months, and (v) then dropped almost 99%, to about 4% of the remittances during the first 7 months of 2017, and have remained quite stable.

The provider's remittances have not included any explanation of the variance in the remittances. BRETSA contacted the provider's tax and/or billing partner which transmits the remittances to BRETSA, but it was unable to explain the odd remittance pattern. The tax/billing partner relayed the issue to the provider. A representative of the provider eventually contacted BRETSA and pledged to look into the matter and get back to BRETSA. BRETSA has not heard back from the provider or its representative although several months have passed.

The ETC audit results and the irregularities in remittances to BRETSA from a major provider further support the Commission addressing 9-1-1 fee issues, and including information regarding provider remittance of 9-1-1 fees in its annual reports to Congress on 9-1-1 fees and charges.

Respectfully submitted,

**BOULDER REGIONAL EMERGENCY
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By: /s/

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